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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,717	09/15/2003	Jon A. Durham	RUP02 P-300	1338
277 7590 03/22/2007 PRICE HENEVELD COOPER DEWITT & LITTON, LLP 695 KENMOOR, S.E. P O BOX 2567 GRAND RAPIDS, MI 49501			EXAMINER ARAQUE JR, GERARDO	
			ART UNIT 3629	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	
3 MONTHS			03/22/2007	
			DELIVERY MODE PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/662,717	<b>Applicant(s)</b> DURHAM ET AL.	
	<b>Examiner</b> Gerardo Araque Jr.	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/18/04; 12/8/06; 1/19/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1 – 9 and 19** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. The term "**substantially**" in **claims 1 and 19** is a relative term which renders the claim indefinite. The term "**substantially**" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

5. The term "**limited**" in **claim 1** is a relative term which renders the claim indefinite. The term "**limited**" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

### *Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1 – 6, 9 – 11, and 16 – 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Evans, III (US Patent 5,732,231)** in view of **Torres et al. (US PG Pub 2002/0004757 A1)**.

8. In regards to **claim 1, 10, and 16**, **Evans** discloses a method of providing funeral related services, comprising:

collecting information about the deceased from the family members (**Column 2 Lines 59 – 63**);

utilizing at least some of the information to create a first video having text describing events in the life of the deceased (**Column 1 Lines 64 – 67**);

However, **Evans** fails to disclose utilizing at least some of the information to create a second video that is substantially shorter than the first video and includes limited text describing events in the life of the deceased.

Despite of this, one skilled in the art of video creation and editing would have found it obvious to create multiple versions of a video. That is to say, it would have been obvious to first create a “rough draft” of a video and to later edit the video in response to the reviews made about the video, which would consequently change the length of the video.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention in view of the teachings of **Evans** to create a second video that

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would consequently be shorter than the first in response to the reviews made by the family members of the deceased.

However, **Evans** also fails to teach:

meeting with family members of the decedent during a planning session at a funeral home;

“ showing the family an audio-visual work, at least the first portion of which is substantially free of product information.

**Torres**, however, teaches that it is old and well known to have a conference with family members of the deceased in order to talk over necessary funeral arrangements. These conferences would include various funeral products, services, and costs in order to properly inform the family members of the deceased more effectively (**Page 1 ¶ 5**). Although **Torres** does not disclose that a video presentation is used, one skilled in the art would have found it obvious and beneficial to find the most effective means to ensure that information is being conveyed properly towards their customers, whether video, diagram, pictures, or etc.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Evans** in view of the teachings of **Torres** to also have a preplanning conference between the funeral director and family members of the deceased, which would have the funeral director to provide visual aids in order to properly inform the family members of the deceased.

9. In regard to **claims 2 – 4, and 17**, the length of the video or how the video is presented does not affect how the method is carried out. Moreover, as already

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discussed above it would have been obvious to show a second video that would have been substantially shorter than the first. **Evans** discloses that a video is shown regarding the deceased within the funeral establishment (**Column 1 Lines 25 – 47; Column 2 Lines 20 – 25**).

10. In regards to **claim 5**, **Evans** discloses including:

providing a funeral home website (**Column 2 Lines 1 – 6, which would obviously have included a funeral home website**); and

placing at least some of the information about the deceased on the website (**Column 2 Lines 1 – 6**).

11. In regards to **claim 6**, **Evans** discloses wherein: the website includes an area at which individuals can enter information concerning the deceased from a remote location by utilizing a global computer network (**Column 2 Lines 1 – 6**).

12. In regards to **claim 9**, **Torres** discloses wherein: the audio-visual work includes information concerning the costs of packages of funeral products; and including: providing funeral-related products to the family (**Page 1 ¶ 5**).

13. In regards to **claim 11**, **Evans** discloses wherein: the display screen is positioned in the same room as a casket during visitation (**Column 2 Lines 20 – 26**).

14. **Claims 7 – 8, 12 – 15, and 18 – 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Evans, III (US Patent 5,732,231)** in view of **Torres et al. (US PG**

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**Pub 2002/0004757 A1)** and in further view of **Notargiacomo et al. (US Patent 6,947,921 B2).**

15. In regards to **claim 7, the combination of Evans and Torres** fails to disclose wherein: the website includes a plurality of memorials, each of which contains information concerning a single decedent, and also includes a security feature permitting only authorized personnel to gain access to the memorials to place at least some of the personal information and photographs of the deceased at the memorial on the website.

However, **Notargiacomo** discloses a method and system for capturing memories of deceased individuals. **Notargiacomo** further discloses that its online system includes a pre-authorization for selected individuals (**Column 2 Lines 51 – 52**). Further still, an electronic database is also included to contain information regarding various deceased as well.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the **combination of Evans and Torres** in view of the teachings of **Notargiacomo** to include pre-authorization for each deceased so that approved individuals can add/edit information regarding a specific decedent and not of another.

16. In regards to **claim 8, Notargiacomo** discloses wherein: the personal information and photographs of the deceased are collected at the funeral home and transmitted electronically to processing center where individuals who are not employees of the funeral home create the first and second videos (**Column 6 Lines 43 – 67**).



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17. In regards to **claims 12 and 18**, **Evans** discloses that information is transmitted back and forth between the funeral establishment and a remote location (**Column 1 Lines 42 – 46**). However, the **combination of Evans and Torres** fails to disclose the use of a processing facility that is remote from the funeral home.

**Notargiacomo**, on the other hand, discloses a method and system for capturing memories of deceased individuals. **Notargiacomo** further discloses the use of a service provider to fulfill the request for goods and/or services for the viewer (**Column 6 Lines 43 – 67**). One skilled in the art would have found it obvious to allow the processing of such important information to professionals who are skilled in the area of video/image design. Moreover, by allowing professionals to carryout this process it would ensure that the family members of the deceased would receive the best service that the funeral home could provide.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the **combination of Evans and Torres** in view of the teachings of **Notargiacomo** to include a processing facility that is in communication with the funeral home in order to provide quality services and goods for the family members of the deceased.

18. In regards to **claim 13**, **Notargiacomo** discloses wherein: the visual work is transferred to a mass storage device at the funeral home (**Column 1 Lines 48 – 53**).

19. In regards to **claim 14**, **Evans** discloses including:

creating an internet accessible website (**Column 2 Lines 1 – 6**, which would obviously have included a funeral home website);



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providing a screen on the website to permit remote users to post information concerning the decedent on the website (**Column 2 Lines 1 – 6**).

20. In regards to **claim 15**, **Notargiacomo** discloses including:

providing a kiosk with at least one computer connected to the internet (**Column 7 Lines 3 – 28**);

positioning the kiosk in the funeral home during visitation so visitors can post information concerning the decedent on the website (**Column 7 Lines 3 – 28**).

21. In regards to **claim 19**, the length of the video or how the video is presented does not affect how the method is carried out. Moreover, as already discussed above it would have been obvious to show a first video that would have been substantially shorter than the second and vice-versa. **Evans** discloses that a video is shown regarding the deceased within the funeral establishment (**Column 1 Lines 25 – 47; Column 2 Lines 20 – 25**).

electronically transmitting the second visual work from the processing facility to the funeral home (**Column 1 Lines 42 – 46**);

providing at least one visitation time period for visitation at the funeral home (**obviously included and well known in the art**);

displaying the second visual work during the visitation time period (**Column 1 Lines 25 – 47; Column 2 Lines 20 – 25**).

### ***Conclusion***

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found in PTO-892 Notice of References Cited.

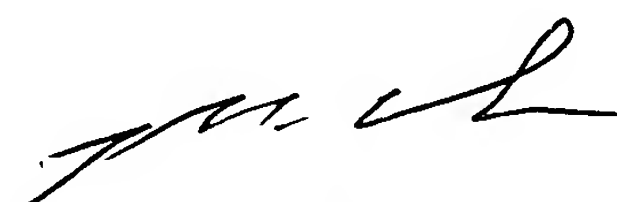
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

3/12/07



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